

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Examiner: Hutton, Jr., William D.
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Igra) Art Unit: 2176
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Application No.: 09/816,552) Confirmation No. 6531
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Filed: March 23, 2001)
)
For: COMMON DESIGN FOR)
WEB PAGES THROUGH)
EMPLOYMENT OF)
MASTER SPECIFICATIONS)
)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY TO EXAMINER'S RESPONSE TO REPLY BRIEF

Dear Sir:

This is a Reply to the Examiner's Response to Reply Brief dated March 14, 2007.

Appellant respectfully replies to the Examiner's Response as follows:

(A) On page 3 of the above-identified response, the Examiner again notes that the combination of the templates, controls, *and* style sheets of Ferrel reads on the master specification of claim 1. Thus, any one of the templates, controls, and styles *alone* does not, according to the Examiner, read on the master specification of claim 1. On the same page, the Examiner further notes that the story objects of Ferrel read on the subordinate content specifications of claim 1, and points out the disclosure in Ferrel of story objects referencing style sheets. The Examiner then concludes that a reference by a story object to *any one* of the templates, controls,

and style sheets of Ferrel is a reference of a subordinate specification to a master specification.

Appellants respectfully disagree. For the Examiner's conclusion to be true, either (1) any one of the templates, controls, and style sheets of Ferrel *alone* would have to read on the master specification of claim 1, or (2) the templates, controls, and style sheets of Ferrel must be functionally linked such that a reference to any one is inherently a reference to all.

Regarding (1), none of the templates, controls, and style sheets of Ferrel *alone* reads on the master specification in claim 1. The Examiner concedes as much. As noted, the Examiners equates the combination, not the individual parts, of the templates, controls, and style sheets of Ferrel with the master specification of claim 1 (even going so far as to underline and bold the "and" in "the templates, controls, and style sheets of Ferrel").

Regarding (2), there is no functional linkage between the templates, controls, and style sheets of Ferrel such that a reference by the story object to the style sheet is inherently a reference to all of the templates, controls, *and* style sheets. While the Examiner does point out a linkage between controls and style sheets in the January 18, 2007 Response, on page 3, paragraph 4, towards the bottom of the page, the linkage is a one-way reference made by the controls to style sheets. The style sheets of Ferrel do not reference the controls at all. Thus, any reference by the story object to the style sheets is not inherently a reference to the controls.

Accordingly, as both (1) and (2) fail, the Examiner's conclusion is false. A reference to one of the templates, controls, and style sheets of Ferrel is *not* a reference to all. Thus, Ferrel simply does not teach a subordinate specification referencing a master specification, as is claimed in claim 1.

On page 4 of the above-identified Response, the Examiner further acknowledges that Figure 1 of Appellants' originally filed Specification doesn't show

the master specification of claim 1. Appellants appreciate the acknowledgement. But the Examiner further states that Figure 1 shows a subordinate specification referencing a master specification. Appellants are unsure how Figure 1 can show a subordinate specification referencing a master specification if Figure 1 doesn't show a master specification.

(B) On pages 4-5 of the above-identified Response, the Examiner refers to 3 examples and prior assertions from the January 18, 2007 Response as establishing that Ferrel teaches a master specification specifying a common navigation arrangement, and makes no new arguments. Thus, the Examiner does not address Appellants' arguments from Appellants' February 7, 2007 Reply. Accordingly, Appellants will not repeat here the arguments from their February 7, 2007 Reply, which amply demonstrate that Ferrel fails to teach a master specification specifying a common navigation arrangement.

Additionally, on page 5 of the above-identified Response, the Examiner states that Appellants read the controls of Ferrel on the master specification of claim 1. This is a misstatement of Appellants' interpretation of Ferrel. Appellants certainly do not equate the controls of Ferrel to the master specification of claim 1, and respectfully request that the Examiner correct the record on this point.

Lastly, on page 6 of the above-identified Response, the Examiner asserts that Figure 1 of Appellant's originally-filed Specification shows that a master specification having a common navigation arrangement was known in the art at the time of invention. In so asserting, the Examiner equates the master navigation page of Figure 1 with the master specification of claim 1 (despite acknowledging on page 4 that Figure 1 doesn't show a master specification). As Appellants explained in their February 7, 2007 Reply, the master navigation page of Figure 1 doesn't teach the master specification of claim 1.

Further, Appellants renew their object to the relevancy and continued discussion of Figure 1. Claim 1 has not been rejected under §102 or even §103 in view of Appellant's admitted prior art (which includes Figure 1). Claim 1 is rejected as anticipated by Ferrel. For §102 rejections, it is improper to combine the reference with *any other source*. If the §102 reference does not explicitly or inherently disclose each and every claimed limitation, then the rejection is improper.

Conclusion

As Applicant has set forth in the brief, the Examiner has erred in his rejections. Accordingly, Applicant respectfully requests that the Board reverse the Examiner's rejections.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

Date: March 30, 2007

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